IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Revision No. 1200 of 2007

Date of decision : November 19, 2007.

Khazan Singh

.... Petitioner

versus

State of Punjab

.... Respondent

Coram: Hon'ble Mr. Justice A.N. Jindal

Present: Mr. Kulwinder Singh, Advocate for
Mr. B.S. Sidhu, Advocate
for the petitioner.

Mr. Satish Bhanot, Sr. DAG, Punjab
for the respondent.

A.N. JINDAL, J.

This petition has arisen out of an order dated 6.7.2007 passed by the learned Special Judge, Sangrur, dismissing the application of the petitioner for releasing the Indica Car No.PB64-8797, taken into custody by the police on registration of the case under Section 18 of the Narcotic Drugs & Psychotropic Substances Act, 1985, vide FIR No.51 dated 2.5.2007, Police Station Moonak.

The trial court has relied upon the judgment delivered in case ***Tarsem Singh vs. State of Punjab, 2005 (4) RCR (Crl.) 300***, is not applicable to the facts of the present case because in the instant case, release of the vehicle on supurdari is being sought before the confiscation proceedings have been initiated against him. In such situation, if the vehicle is allowed to stand in the police station, it would be rendered unfit for road worthiness. Its machinery, colour and tyres would be damaged. There is paucity of such malkhana in the police stations in this part of the country. The trial to conclude is likely to take long time. Under these circumstances, no useful purpose would be served for keeping the vehicle in the premises of the police station.

Learned counsel for the petitioner has relied upon the judgment

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Harpreet Singh vs. State of Punjab, 2006 (4) RCR (Crl.) 719, wherein the court while relying upon the judgment ***Sunderbhai Ambalal Desai vs. State of Gujrat 2003 (1) RCR (Crl.) 380 (SC),***and ***Roop Chand and Company vs. State of Punjab 1996 (1) RCR (Crl.) 401 (P&H),*** ordered the release of the vehicle on supurdari. I am also fortified by the judgment delivered by this Court in case ***Nirmal Singh vs. State of Punjab 2007 (1) RCR (Crl.) 986***, wherein while relying upon the aforesaid judgment, this Court ordered the release of the vehicle on supurdari.

Consequently, this petition is allowed, impugned order dated 6.7.2007 is set aside and the Indica Car bearing registration No.PB-64-8797 is ordered to be released on supurdari to its registered owner on his execution supurdari bond in the sum of Rs.3.00 lacs with one surety of the like amount to the satisfaction of the trial court and also subject to the conditions as imposed by the said court.

November 19, 2007 **(A.N. Jindal)**
'deepak' **Judge**

To be referred to reporter: Yes/No.